

Appendix A

Pesticide Incident Reporting and Tracking (PIRT) Review Panel:

- **RCW 70.104.070-090**
- **List of PIRT Panel Members**
- **Pesticide Incident Definition**
- **Agency Roles and Responsibilities**
- **Agency Response Time Mandates**

Pesticides - Health Hazards

RCW 70.104.070 Pesticide incident reporting and tracking review panel -- Intent. The legislature finds that heightened concern regarding health and environmental impacts from pesticide use and misuse has resulted in an increased demand for full-scale health investigations, assessment of resource damages, and health effects information. Increased reporting, comprehensive unbiased investigation capability, and enhanced community education efforts are required to maintain this state's responsibilities to provide for public health and safety.

It is the intent of the legislature that the various state agencies responsible for pesticide regulation coordinate their activities in a timely manner to ensure adequate monitoring of pesticide use and protection of workers and the public from the effects of pesticide misuse.

[1989 c 380 § 67.]

Severability -- 1989 c 380: See [RCW 15.58.942](#).

RCW 70.104.080 Pesticide panel -- Generally.

(1) There is hereby created a pesticide incident reporting and tracking review panel consisting of the following members:

(a) The directors, secretaries, or designees of the departments of labor and industries, agriculture, natural resources, fish and wildlife, and ecology;

(b) The secretary of the department of health or his or her designee, who shall serve as the coordinating agency for the review panel;

(c) The chair of the department of environmental health of the University of Washington, or his or her designee;

(d) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(e) A representative of the Washington poison control center network;

(f) A practicing toxicologist and a member of the general public, who shall each be appointed by the governor for terms of two years and may be appointed for a maximum of four terms at the discretion of the governor. The governor may remove either member prior to the expiration of his or her term of appointment for cause. Upon the death, resignation, or removal for cause of a member of the review panel, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of the term in the manner herein prescribed for appointment to the review panel.

(2) The review panel shall be chaired by the secretary of the department of health, or the secretary's designee. The members of the review panel shall meet at least monthly at a time and place specified by the chair, or at the call of a majority of the review panel.

[1994 c 264 § 41; 1991 c 3 § 363; 1989 c 380 § 68.]

Severability -- 1989 c 380: See [RCW 15.58.942](#).

RCW 70.104.090 Pesticide panel -- Responsibilities.

The responsibilities of the review panel shall include, but not be limited to:

(1) Establishing guidelines for centralizing the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(2) Reviewing and making recommendations for procedures for investigation of pesticide incidents, which shall be implemented by the appropriate agency unless a written statement providing the reasons for not adopting the recommendations is provided to the review panel;

(3) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, health, and labor and industries;

(4) At the request of the chair or any panel member, reviewing pesticide incidents of unusual complexity or those that cannot be resolved;

(5) Identifying inadequacies in state and/or federal law that result in insufficient protection of public health and safety, with specific attention to advising the appropriate agencies on the adequacy of pesticide reentry intervals established by the federal environmental protection agency and registered pesticide labels to protect the health and safety of farmworkers. The panel shall establish a priority list for reviewing reentry intervals, which considers the following criteria:

(a) Whether the pesticide is being widely used in labor-intensive agriculture in Washington;

(b) Whether another state has established a reentry interval for the pesticide that is longer than the existing federal reentry interval;

(c) The toxicity category of the pesticide under federal law;

(d) Whether the pesticide has been identified by a federal or state agency or through a scientific review as presenting a risk of cancer, birth defects, genetic damage, neurological effects, blood disorders, sterility, menstrual dysfunction, organ damage, or other chronic or subchronic effects; and

(e) Whether reports or complaints of ill effects from the pesticide have been filed following worker entry into fields to which the pesticide has been applied; and

(6) Reviewing and approving an annual report prepared by the department of health to the governor, agency heads, and members of the legislature, with the same available to the public. The report shall include, at a minimum:

(a) A summary of the year's activities;

(b) A synopsis of the cases reviewed;

(c) A separate descriptive listing of each case in which adverse health or environmental effects due to pesticides were found to occur;

(d) A tabulation of the data from each case;

(e) An assessment of the effects of pesticide exposure in the workplace;

(f) The identification of trends, issues, and needs; and

(g) Any recommendations for improved pesticide use practices.

[1991 c 3 § 364; 1989 c 380 § 69.]

Effective date -- 1989 c 380 §§ 69, 71-73: "Sections 69 and 71 through 73 of this act shall take effect on January 1, 1990." [1989 c 380 § 90.]

Severability -- 1989 c 380: See [RCW 15.58.942](#).

PIRT Panel Representatives

Department of Health (DOH)Maryanne Guichard, Chair
Department of Health.....Lucy Harter, Coordinator
Department of Agriculture (WSDA).....Ann Wick
Department of Ecology (Ecology)Maria Victoria Peeler
Department of Fish and Wildlife (WDFW)Vacant
Department of Health.....Dorothy Tibbetts
Department of Labor and Industries (L&I).....Gabrielle Toutonghi
Department of Natural Resources (DNR).....Karen Ripley
General Public.....Alice C. Larson, PhD
Practicing ToxicologistSteven Gilbert, PhD, DABT
University of Washington (UW).....Matthew Keifer, MPH, MD
Washington Poison Center (WPC)William O. Robertson, MD
Washington State University (WSU).....Allan Felsot, PhD

PESTICIDE INCIDENT REPORTING AND TRACKING (PIRT) REVIEW PANEL

PESTICIDE INCIDENT DEFINITION

A pesticide incident includes:

- Documented or suspected human cases of pesticide poisoning reported by health care providers as stated in WAC 246-100.
- Suspected pesticide poisoning of animals that may relate to human illness.
- Cases of human exposure where there is concern, but no medical evidence to substantiate a pesticide poisoning.
- Emergencies relating to pesticides that represent an imminent and/or future hazard to the public and/or labor force due to the toxicity of the material, the quantities involved, or the environment in which the incident occurs.
- Documented impacts to the environment including ground, surface water or soil contamination, crop or other resource damage due to the use or misuse of pesticides.
- Violations of worker protection-related to pesticide use.
- Property loss or damage from the use or application of any pesticide.

A pesticide incident appropriate for review by the PIRT Panel includes a case or situation where information received by Departments such as Agriculture, Health, or Labor and Industries indicates that the use of a pesticide may be related to a current or future threat to the public health and welfare.

A pesticide incident appropriate for resolution by the PIRT Panel is any case described above for which unresolved issues remain after agencies have conducted investigations. Incidents concerning human health are given top priority.

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Primary Agency Responsibilities Related to Pesticide Exposure

Washington State Department of Agriculture

The Washington State Department of Agriculture (WSDA) is responsible for protection of health, welfare, and the environment under authority of the Pesticide Control Act and the Pesticide Application Act. These laws give the department the authority to regulate the handling, transportation, storage, distribution, use, and disposal of pesticides and their containers. WSDA administers the Federal Insecticide, Fungicide, and Rodenticide Act and the state pesticide laws. In administering these programs, WSDA:

- adopts and administers pesticide regulations including state pesticide registration;
- tests and certifies pesticide applicators;
- administers continuing education requirements for pesticide applicators; and,
- investigates complaints of pesticide misuse or misapplication.

Department of Health

The Department of Health (DOH) is responsible for carrying out rules and regulations adopted by the State Board of Health for the purposes of protecting and enhancing public health and welfare. This includes the determination and documentation of health effects resulting from pesticide poisonings and exposures, and delineation of public health risks. The major elements of DOH Pesticide and Surveillance Section are set forth in RCW 70.104.030 and include:

- Conduct medical investigations of suspected human pesticide poisonings and those animal poisonings that may relate to human illness.
- Provide technical assistance regarding health effects and risks of pesticides to health care providers, other agencies, and individuals.
- Provide community information regarding health effects of pesticide exposure.
- Secure and provide for analysis of environmental samples or human and animal tissues to determine the nature and cause of any suspect case of pesticide poisoning.
- Establish, chair, and staff the multi-agency Pesticide Incident Reporting and Tracking review Panel (PIRT).
- Establish pesticide illness/exposure reporting mechanisms to be used by health care providers.
- Develop a program of medical education for physicians and other health care providers regarding pesticide poisonings.

Department of Ecology

The Department of Ecology (Ecology) is responsible for protection of public health and the environment, particularly under these jurisdictions: Chapter 90.48 RCW, Water Pollution Control; Chapter 70.105D RCW, Hazardous Management Act; Chapter 70.105D RCW, Model

Toxics Control; and, Chapter 70.94 RCW, Washington Clean Air Act. The following elements apply to pesticide incidents.

- Protect wetlands, shorelands, and water including control and prevention of pollution from pesticide activities.
- Implement an aquatic pesticide application permit system.
- Administer a regulatory and education program directed at proper management and disposal of pesticide wastes.
- Investigate and enforce remediation of incidents involving spills or environmental contamination by pesticides.
- Provide educational and technical assistance to make voluntary compliance with environmental laws easier.

Department of Labor and Industries

The Department of Labor and Industries (L&I), the Division of Industrial Safety and Health, administers the Washington Industrial Safety and Health Act of 1973, Chapter 49.17 RCW. L&I has primary responsibility for ensuring that employers provide safe and healthful working conditions for every worker in Washington State at a level which is at least as effective as the Federal Occupational Safety and Health Act of 1970. In administering Chapter 49.17 RCW, L&I:

- conducts safety and health workplace inspections in agriculture and industry;
- promulgates workplace safety and health standards;
- investigates employee complaints;
- provides employers information and consultation; and,
- conducts training and education programs.

L&I also focuses on hazardous chemicals through administration of the Worker Right to Know Law, Chapter 49.70 RCW, and administers the Workers Compensation Program, Title 51 RCW, through the Division of Industrial Insurance.

Department of Natural Resources

The Department of Natural Resources administers the Forest Practices Rules and Regulations, WAC 222. Section 38 of WAC 222 pertains to forest chemicals including pesticides and fertilizers. These regulations are written to protect timber resources, fish, and wildlife from the misuse or misapplication of forest chemicals. The elements of the program that apply to pesticides involve issuing permits for pesticide applications in forests and monitoring permit restrictions.

Agency Response Time Mandates

Washington State Department of Agriculture

WAC 16-228-233 directs the Washington State Department of Agriculture to respond to complaints involving humans or animals immediately. All other complaint investigations must be initiated within 48 hours.

Department of Health

WAC 246-100-217 directs the Department of Health (DOH) to respond to incidents within time periods based on severity. In the event of a pesticide-related hospital admission, death, or a threat to public health, DOH must respond within 24 hours. For all other cases, DOH must respond within 48 hours after notification.

Labor and Industries

The Department of Labor and Industries (L&I) response times are mandated in the Federal Occupational Safety and Health Act operations manual. Serious complaints require response within 30 days; all others within 120 days. The goal of the L&I Consultation and Compliance Services Division is to respond to serious complaints within 15 days; all others within 30 days. Response is defined as a site visit, not a telephone call.